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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/554,232   | 10/24/2005  | Yoshihiro Suzuki     | 1254-0296PUS1       | 7939             |
| 2292 7590 03/18/2010<br>BIRCH STEWART KOLASCH & BIRCH<br>PO BOX 747<br>FALLS CHURCH, VA 22040-0747 |             |                      |                     |                  |
| EXAMINER   |             |                      |                     |                  |
| TANG, SON M  |             |                      |                     |                  |
| ART UNIT   |             | PAPER NUMBER         |                     |                  |
| 2612   |             |                      |                     |                  |
| NOTIFICATION DATE  |             | DELIVERY MODE        |                     |                  |
| 03/18/2010   |             | ELECTRONIC           |                     |                  |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

# Office Action Summary

**Application No.**

10/554,232

**Applicant(s)**

SUZUKI ET AL.

**Examiner**

SON M. TANG

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 November 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-43 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 17-19, 22, 23, 25-31, 33 and 38-41 is/are rejected.
- 7) ☒ Claim(s) 3-16, 20-21, 24, 34-37 and 42-43 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims **1-2, 17-19, 22-23, 25-31, 33 and 39-38** are rejected under 35 U.S.C. 102(b) as being anticipated by **Gustafson** [US 6,050,622].

**Regarding to claims 1, 22, 28, 33 and 39:** Gustafson discloses a sealing strip (1) acting as a support of a tag [Fig. 11] comprising an electronic component (20), at least one detachable portion (54), having a first function in a state where said portion A (54) remains attached (e.g. respond to an interrogation signal), and shifting to a second function different from said first function (e.g. no respond to an interrogation signal) when said portion (54) is detached [see col. 8, lines 14-67 and col. 3, lines 13-20].

**Regarding to claim 2:** The portion (54) if attached, the tag must be responded to the interrogator, if it detached the tag no longer responded. In that, portion (54) constitutes a function to suppress said second function (inoperable).

**Regarding to claim 38:** Gustafson further discloses that the tag can be interrogated by an auxiliary transceiver apparatus [col. 3, lines 40-45], that constitutes of the reader/writer device read data from said tag.

**Regarding to claim 17:** Gustafson discloses a tag (1) [Figs. 1 and 11] comprising at least on physically detachable portion (10 or 35), wherein said detachable portion and a whole or

part of a portion of the tag other than said detachable portion are mutually laminated (e.g. plastic) [see Fig. 1, col. 3, lines 14-16].

**Regarding to claim 18:** Gustafson shows that detachable portion (10 or 35) have visually different characteristic features (e.g. middle section and longer then both end sections) see Figs. 1 and 11.

**Regarding to claim 19:** Gustafson shows that detachable portion (10 or 35) have characteristic configurations (e.g. middle section, longer then both end sections and includes signal wire 22) see Figs. 1 and 11.

**Regarding to claim 23:** Gustafson discloses the electronic component (20) which configured to communicate with the external interrogator. Thus, the electronic component (20) is inherently included a first electronic circuit: transceiver for transmitting/receiving data , a second electronic circuit: controller for controlling in/out information and a third electronic circuit: memory for storing data, because, it is known in the art that those electronic circuits are included in a conventional RFID tag.

**Regarding to claims 25-27 and 29-31:** Gustafson further discloses a perforation holes (53) deposited at a portion at which said portions A and B (54 and 56) are detached from each other and the perforation is provided with a signal line (22) [see Fig. 11].

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims **40-41** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Gustafson** in view of **Atherton** [US 6,888,509].

**Regarding to claim 40:** As described by Gustafson above, that the tag comprises a memory for storing data, and the first function is interrogating the tag by writing command data into the tag's memory, but Gustafson silences of writing data in said second memory region at said second function. **Atherton** teaches a tag comprising a second memory region for recording the disruption of tamper track (102) [see col. 11, lines 2-10], writing tampered data into the memory constitutes of second function occurred when one of the portion of the tag is being detached or disrupted. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made, to have a second function as suggested by Atherton that writes the detachment data into the second part of the tag's memory for future tracking.

**Regarding to claim 41:** Gustafson discloses that portion (54) if attached, the tag must be responded to the interrogator, if it detached the tag no longer responded. In that, portion (54) constitutes a function to suppress said second function (inoperable).

#### ***Allowable Subject Matter***

5. Claims **3-16, 20-21, 24, 34-37 and 42-43** would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

#### ***Response to Arguments***

6. Applicant's arguments with respect to claims 1-43 have been considered but are moot in view of the new ground(s) of rejection.

7. Should applicant desire to obtain the benefit of foreign priority under 35 U.S.C. 119(a)-(d) prior to declaration of an interference, a certified English translation of the foreign application must be submitted in reply to this action. 37 CFR 41.154(b) and 41.202(c).

Failure to provide a certified translation may result in no benefit being accorded for the non-English application.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SON M. TANG whose telephone number is (571)272-2962. The examiner can normally be reached on 5/8.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Wu can be reached on (571)272-2964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

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like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/S. M. T./

Examiner, Art Unit 2612

/Daniel Wu/

Supervisory Patent Examiner, Art Unit 2612